

Decision Record for Right-of-Way for Road and Drainage and Related Facilities on Federal Land

Number: DOI-BLM-NV-S010-2014-0142-EA

Compliance:

I have determined that the proposed action is in conformance with the approved land use plan and is consistent with the applicable plans and policies of county, state, tribal and federal agencies. The proposed project is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976 and all Bureau of Land Management (BLM) land uses in Southern Nevada, the Las Vegas Resource management Plan (RMP), the Endangered Species Act, National Historic Preservation Act, and the Clean Water Act.

Selected Action:

Clark County has applied for permanent roadway, and/or drainage, and related facilities Right-of-Way's (ROW), and associated short term construction ROW's.

The permanent ROW's include; a portion of Duneville Street south of Shelbourne Avenue; a portion of Shelbourne Avenue east of Duneville Street; and a portion of Shelbourne Avenue east of Buffalo Drive. These portions of roadway and/or drainage and related facilities will provide access to residential, commercial, and municipality development in the area. The proposed roadway, drainage and related facilities are designed to accommodate the anticipated public needs associated with current and planned development in the area, and comply with the current Clark County planning for the area.

The short term ROW's are for use during construction and are contiguous with the associated permanent facilities to be installed along Duneville Street and the portion of Shelbourne Avenue west of the Railroad.

The BLM, Southern Nevada Las Vegas Field Office, has determined that the ROW to construct and maintain roadway and drainage facilities will not result in significant impacts to the environment. Therefore, an Environmental Impact Statement (EIS) is not required and a Finding of No Significant Impact (FONSI) has been prepared.

Compliance with NEPA:

An EA was carried out in compliance with the National Environmental Policy Act (NEPA) to evaluate the proposed permanent ROW's for roadway and/or drainage and associated short term ROW's for use during construction that would satisfy the project purpose and need.

It is my decision to implement the proposed action with the mitigation measures identified in the EA which have been incorporated into the stipulations shown as Exhibit A.

Public Involvement:

Consultation and internal scoping and coordination was carried out and completed from October 2014 to February 2015 with the following results:

Effects the proposed action may have on our resources were addressed for air quality, invasive species/noxious weeds, soils and surface water, cultural resources, threatened, endangered or candidate

animal species, migratory birds, vegetation, and other types of resource issues.

Comments providing substantive new information relevant to the analysis were included in the EA, FONSI, and resultant mitigation measures and stipulations.

The BLM has an environmental assessment of the project area in the Las Vegas Resource Management Plan, Environmental Impact Statement approved October 5, 1998, and the Las Vegas Valley Disposal Boundary EIS, ROD signed December 23, 2004, which are available for public viewing. A summary of this EA is available for review by the public on the internet at:

http://www.blm.gov/nv/st/en/fo/lvfo/blm_information/nepa.html under NEPA number: DOI-BLM-NV-S010-2014-0121-EA.

Rationale:

The proposed action is in conformance with the approved land use plan: Nevada Las Vegas Resource Management Plan, October 1998, and is provided for as follows:

RW-1 - "Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private in holdings, communications, flood control, major utility transmission lines, and related facilities".

W-1-h - "All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for ROW's under the authority of the Federal Land Policy and Management Act.

Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the code of Federal regulations (CFR), Part 4, and the information provided in BLM Form 1842-1.

If an appeal is taken, your notice of appeal must be filed in the Las Vegas Field Office, Bureau of Land Management, U.S. Department of the Interior, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130, within 30 days from receipt of this decision, the appellant has the burden of showing that the decision appealed from is in error.

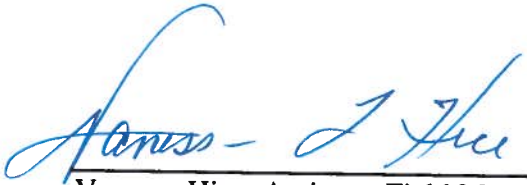
If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal, a petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. the relative harm to the parties if the stay is granted or denied,
2. the likelihood of the appellant's success on the merits,
3. the likelihood of the appellant's success on the merits,
4. the likelihood of immediate and irreparable harm if the stay is not granted, and
5. whether the public interest favors granting the stay.

Authorizing Official:



Vanessa Hice, Assistant Field Manager
Division of Lands

3/20/15
Date

Contact Person:

For additional information concerning this Finding, contact.

Kerr-Ann Thorpe Specialist
Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, NV 89130
702-515-5000

**Decision Record -
Memorandum**

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